

PATENT
Attorney Docket No. TRNSV-013BC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Joshua MAKOWER et al.) Group Art Unit: 3738
Application No.: 09/710,332) Examiner: Unknown
Filed: November 9, 2000)
For: METHODS AND APPARATUS)
FOR TRANSMYOCARDIAL)
DIRECT CORONARY)
REVASCULARIZATION)

7/B
1/9/03
JWH

Commissioner for Patents
Washington, DC 20231

RESPONSE TO ELECTION REQUIREMENT

AND

PRELIMINARY AMENDMENT

Dear Sir:

Applicant hereby responds to the Office Action dated November 9, 2002 .
Also, Applicant hereby provides a preliminary amendment for entry prior to
substantive examination of the application.

A. Preliminary Amendment

Please enter the following preliminary amendment:

IN THE SPECIFICATION:

On page 1, immediately beneath the heading "RELATED
APPLICATIONS", please delete the existing paragraph and replace it with the

Attorney Docket No.: TRNSV-013BC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joshua Makower, et)
al.)

Art Unit: 3736

Application No. 09/710,332)

Examiner: Isabella, D.

Filed: November 9, 2000)

For: Methods and Apparatus for)
Transmyocardial Direct Coronary)
Revascularization)

Commissioner for Patents
Washington, D.C. 20231

FAX RECEIVED

JAN 2 2003

GROUP 3700

Transmittal Letter

Dear Sir:

- ☒ In accordance with Rule 136, the Commissioner is hereby petitioned for a two (2) month extension of time, extending to **January 1, 2003** the period for response to the Office action dated **October 1, 2002**. Check No. ____ for \$0.00 is enclosed.
- ☐ Enclosed is a certified copy of Serial No. _____ from which priority is claimed in the subject case pursuant to 37 CFR § 1.55b and 35 U.S.C. § 119.
- ☐ Enclosed is an Assignment of the invention to [Assignee], including a cover sheet and Check No. [Assignment Check No.] for \$40.
- ☐ A Declaration of Inventorship and Limited Power of Attorney is enclosed.
- ☐ A Certificate of Ownership and Power of Attorney is enclosed.
- ☐ Preliminary Amendment.
- ☒ Enclosed herewith is a response to restriction requirement and preliminary amendment for filing in relation to the above-identified application. Entry and consideration of this response to restriction requirement and preliminary amendment is requested.

- ☐ Check No. — is enclosed covering the additional filing fees in the amount of \$0.00, with the fees calculated as follows:

(Col. 1) Claims Highest No. Remaining After Amendment	(Col. 2) Previously Paid For	(Col. 3) Present Extra	Small Entity Additional Rate Fee	Other than a Small Entity Rate Fee
Total claims	— - 28 = 0	x 9 \$	Or x 18 \$	
Independent claims	— - 1 = 0	x 42 \$	Or x 84 \$	
First presentation of multiple dependent claims		+ 140 \$	Or + 280 \$	
		Total \$	Or Total \$	

- ☒ The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
Stout, Uxa, Buyan & Mullins, LLP

Date: January 2, 2003

Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300
Irvine, CA 92618
Telephone: (949) 450-1750; Facsimile: (949) 450-1764
email: rbuyan@patlawyers.com

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is transmitted by facsimile to (703) 305-3579 to Commissioner for Patents, Washington, DC 20231, on January 2, 2003.

Dated: January 2, 2003

By:

Robert D. Buyan

FRANK J. UXA, JR.*
ROBERT D. BUYAN**
DONALD E. STOUT
KENTON R. MULLINS
JO ANNE M. YBAGEN
KATE E. VAKIL
LINDA ALLYSON FOX
KYLE D. YESLAND, Ph.D.
GREG S. HOLLRIGEL, Ph.D.**
LOUISE S. HEIM**

LAW OFFICES OF
STOUT, UXA, BUYAN & MULLINS, LLP

4 VENTURE, SUITE 300
IRVINE, CALIFORNIA 92618
(949) 450-1750
FACSIMILE: (949) 450-1764

PATENTS, TRADEMARKS,
COPYRIGHTS, AND RELATED
INTELLECTUAL PROPERTY
MATTERS

GORDON L. PETERSON (Retired)

*PROFESSIONAL CORPORATION
**REGISTERED PATENT AGENT
OUR FILE NO.

TRNSV-013BC

FACSIMILE COVER SHEET

Date: January 2, 2003

To: Commissioner for Patents
Washington, D.C.

Facsimile: 703-305-3579

Re: U.S. Patent Application No. 09/710,332
Applicant: Makower, et al.
Title: Methods and Apparatus for Transmyocardial Direct Coronary
Revascularization

From: Robert D. Buyan

Total Number of Pages: 7 (including this form). Please notify us immediately if you have not received all pages.

Message:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence for Serial No. 09/710,332 is being facsimile transmitted to the Commissioner for Patents at (703) 305-3579 on January 2, 2003.

Name of person sending facsimile: Robert D. Buyan

Signature: 

PRIVACY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address. Thank you.

FAX RECEIVED

JAN 2 2003

GROUP 3